

# CANVASSING KANSAS



*An update on election news in Kansas.*

## Post-2000 election reform proposed by many groups

The experience in the 2000 presidential election brought about a perception among many that serious reform is needed in the national electoral system. In an earlier issue of this newsletter we reported on a flood of federal legislation being considered in Congress that would attempt to address the problems and reform the system (See *Canvassing Kansas*, March 2001, p. 10). The perceived need for reform also is causing a large number of nationwide studies to assess the need for change and to identify what types of reforms would be most beneficial. There are many task forces, commissions and blue-ribbon panels that have spent the past nine months surveying state and local election officials, studying the electoral process, and issuing reports on how to improve on the 2000 election experience.

A few of the notable studies released recently are:

### **"Voting: What Is, What Could Be"**

This study was released by researchers at the California Institute of Technology and the Massachusetts Institute of Technology. Information on the CalTech/MIT Voting Technology Project is available at [www.vote.caltech.edu](http://www.vote.caltech.edu).

### **"Election Reform Initiative"**

This study was conducted by the Constitution Project, a private, nonpartisan research organization. State election administrators were surveyed to compile the results, which were summarized into a list of 13 recommendations to Congress.



Secretary of State Ron Thornburgh visits with former President Jimmy Carter in the Rose Garden of the White House during the election reform press conference July 31.

### **"Election 2000: Review and Recommendations by the Nation's Election Administrators"**

This study was sponsored by the Election Center and conducted by the National Task Force on Election Reform, an ad hoc group of state and local election officials, including Connie Schmidt, Johnson County election commissioner in Kansas. The study was done entirely by election officials, while most of the other studies had very few or no election officials participating in their studies.

### **"Report by the National Commission on Federal Election Reform"**

This 19-member bipartisan commission was chaired by former presidents Gerald Ford and Jimmy Carter. It conducted a post-2000 election study and presented its findings to President George W. Bush. As president of the National Association of Secretaries of State, Ron Thornburgh was invited to attend the commission's presentation to the

president, which was held in the Rose Garden at the White House in early August 2001.

### **"NASS Resolution on Election Reform"**

see Reform, p. 8

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## Midwest Election Officials Conference update

If you're planning to attend the 2001 Midwest Election Officials Conference in Kansas City this December, you can now register and make your hotel reservations. Some rooms at the hotel have already been booked, but there are plenty more. Also, registrations are beginning to trickle in, even though the official registration form hasn't been mailed out yet.

### Web Site

The MEOC Web site is found at <http://mosl.sos.state.mo.us/meoc-iv/>. At the site you can find information on registering for the conference, reserving rooms, and planned activities. The Web site was designed by members of the SOS offices in the four states and constructed by the Missouri Secretary of State's office. It will be updated from time to time as needed.

### Registration

The cost of the conference is \$125 per person. A registration form may be printed from the MEOC Web site and sent with a check to:

Kansas Secretary of State  
Elections Division  
Memorial Hall, 1st Floor  
120 SW 10th St.  
Topeka, KS 66612-1594

A registration form is being developed and will be mailed to each county election office to use in registering if preferred. Registrations may be made with

either the form from the Web site or the mailed form when it's available.

### Hotel

Call the Westin Crown Center at 1-888-627-8538 to reserve your room. Rates are \$85 per night for single occupancy, \$105 double, \$115 triple, and \$125 quad. Mention the Midwest Election Officials Conference when reserving rooms to make sure you get the low conference rate.

### Discussion Topics

There will be discussions of election reform in the post-2000 presidential election era, with one or more speakers with actual experience in the Florida vote-counting process. Federal reform legislation will be an important topic, as well as any significant state legislation. Vote counting, recounts, provisional votes, write-in votes, early voting, technology, finding and training election board workers, and other topics of concern to all election officers will be featured topics as well.

In past years some Kansas county election officers have chartered buses to reduce travel costs to MEOC. We have heard of plans for at least one this year heading down Interstate 70 from northwest Kansas. If you're interested, contact Norton County Clerk Robert Wyatt.

We're hoping for a big turnout

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Published by the office of

**SECRETARY OF STATE  
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Memorial Hall  
120 SW 10th Ave.  
Topeka, KS 66612-1594  
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from county officers in the four-state region. Everyone will have opportunities to learn about elections, network with their colleagues in other states, and enjoy the holiday night life in Kansas City. Kansas has led the way with the most attendees at previous MEOC conferences, and we hope this one will be no different!

# RON THORNBURGH

Kansas Secretary of State



## Federal Election Reform

Dear Friends:

I recently traveled to the White House to participate in the presentation of the report by the National Commission on Federal Election Reform to President Bush. The bipartisan commission was formed as a result of the 2001 election and the purpose was to make recommendations for improvements to the election process nationwide.

The commission held four public hearings in Georgia, California, Michigan and Texas to discuss election reform issues. Several secretaries of state took part in the hearings and were able to give feedback on priorities for election reform.

The report makes a number of recommendations, and among the most important are for the federal government to respect the roles of state, county and local election officials in the elections process; that federal government should play a limited but necessary role in election reform efforts; the need for enforcing accessibility laws and improving access for everyone; and the importance of improving the way the military voters cast overseas ballots.

As you are aware, this is one of many reports that have been made on the need for election reform. We still have a long road ahead before we will see national election reform legislation passed, but I believe we have been able to get our message across that federal mandates are not the answer to fixing the election issues that face our nation. I continue to be in the middle of the discussions and negotiations and will be in Washington, D.C., as we continue to debate election reform. I welcome any ideas you might have on this subject.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Thornburgh", with a large, sweeping flourish at the end.

RON THORNBURGH  
Secretary of State

# Kansas Election Standards Project makes progress

The Secretary of State's office has taken on a significant new project in conjunction with an appointed group of county election officers. Secretary of State Ron Thornburgh announced his intention to create a set of Kansas Election Standards in his column in the previous issue of this newsletter (See *Canvassing Kansas*, June 2001, p. 3).

The highly publicized vote counting procedures in Florida in the 2000 presidential election focused the attention of the public on election procedures nationwide. One of the themes from that experience was the need for uniform standards and consistent procedures in each state. In many instances the laws are clear and unambiguous, but they may have been interpreted and applied inconsistently.

Secretary Thornburgh's goal in initiating the Election Standards project is to establish clear rules and promote consistency among the counties in Kansas. A few of the areas of concern that will be addressed in the standards are:

*What constitutes a vote?*

*How should provisional ballots*

*be counted?*

*How should a recount be conducted?*

*How should write-in votes be counted?*

Thornburgh plans for the standards to improve training of local officials, including county/district attorneys, county canvassers and precinct election board workers in addition to county election officers. Also, voter education will be improved by providing clearer guidelines on voting procedures.

The standards will contain explanatory material as a guide for new county election officers to consult in conducting elections for the first time. Also, experienced election officers will find it useful in situations they may not have encountered, such as advisory elections, recall elections, and adopting new voting technology.

As of this writing, the Task Force has met three times. The first two meetings were hosted in Emporia by Lyon County Clerk Karen Hartenbower on June 6 and July 18, and the third meeting was hosted in Junction City by Geary County Clerk Rebecca Bossemeyer on August 10. The

fourth meeting is scheduled for September 11 in Topeka, to be hosted by the Secretary of State. Much of the standards book has been written and reviewed at least once by the Task Force. The group hopes to present a draft of the Standards to the full membership of the KCCEOA at the Kansas Association of Counties' annual convention in November 2001. Work will continue in the ensuing months, and a revised version will be presented at the annual convention of the KCCEOA in May 2002. The goal of the group is to produce a finished set of Election Standards in the late spring or early summer of 2002 in time for the election season.

## Chapman reappointed CEO

Secretary of State Ron Thornburgh announced in July the reappointment of Marilyn Chapman as Sedgwick County election commissioner. Thornburgh administered the oath of office in Chapman's office in Wichita on July 24, 2001. The event was attended by Wichita Mayor Bob Knight and a number of other local officials and friends of Chapman.

Chapman has completed 20 years as election commissioner, having been first appointed in 1981 by Secretary of State Jack Brier. Brier's successor, Bill Graves, appointed her twice, as has Thornburgh.

Chapman said, "I am honored to be appointed again to a job I have enjoyed for twenty years. I have wonderful co-workers to help me see Sedgwick County through the next two election cycles. I look forward to it."

### County election officers invited to serve on the Task Force are:

Vernon Birk, Coffey County Clerk  
Rebecca Bossemeyer, Geary County Clerk  
Elizabeth Ensley, Shawnee County Election Commissioner  
Karen Hartenbower, Lyon County Clerk  
Lou Kern, Washington County Clerk  
Pauline Lee, Atchison County Clerk  
Susan Meng, McPherson County Clerk  
Becky Mishler, Clark County Clerk  
Kathy Peckman, Miami County Clerk

### Members of the Secretary of State's office on the Task Force are:

Melissa Wangemann, Legal Counsel  
Bryan Caskey, Administrative Assistant, Elections Division  
Brad Bryant, Election Director

# Census adjustment report goes to Legislature

As of July 31, 2001, the Kansas Legislature had the population figures it will use next year to redraw district lines for the Kansas Senate and House of Representatives and the State Board of Education. July 31 was the statutory deadline for the Secretary of State to report the results of the adjustment of the 2000 federal census.

The 2000 census adjustment project was managed for the past two years by Mike Brassel, who formerly worked in the elections division of the Secretary of State's office handling lobbyist registrations and Statements of Substantial Interests.

For decades Kansas conducted its own censuses for use in redistricting. The last state census was conducted by the Secretary of State's office in 1988, and it was used for redistricting of the Kansas House in 1989. In those days, the state constitution required redistricting in the ninth year of each decade.

In 1988 the voters of Kansas approved a constitutional amendment doing away with the state census and moving the redistricting year from the ninth year to the second year of each decade. That way, the U.S. Census figures could be used for redistricting because the U.S. Census is taken every 10 years in the year ending in zero.

However, instead of moving completely from a state census to the federal census, the constitutional amendment required an adjustment of the federal census figures to maintain part of the

methodology for counting people that had been used for decades. Because Kansas had previously counted only permanent residents, and counted them at their permanent residences while the federal census counts them wherever they are found, the constitution required the federal census figures to be adjusted to count two of the largest transient populations - military personnel



and college students - at their permanent (home) addresses. The adjustment was done for the first time in 1990 and was used in the 1992 redistricting. The report issued July 31, 2001, represents the second time the adjustment has been done. Kansas is the only state that adjusts federal census population data for redistricting.

The rest of this year will be spent by legislative committees studying the data and preparing for the redistricting process. Redistricting will begin in earnest when the Legislature convenes in January 2002 for its regular session. The earlier redistricting is accomplished in the spring of 2002, the better for election officers. Registered voters in their respective precincts will need to be reassigned as legislative district numbers change due to redistricting.

The law states that if redistricting is completed on or before June 10, the filing deadline for the offices affected by redistricting is moved to June 24. If redistricting is completed after June 11, the candidate filing deadline for those offices is moved to July 12. Candidates filing for state offices will have to be careful to file for the correct districts, and some who have

already filed for 2002 will need to re-file.

The changes in district lines will have implications for ballot preparation next year, as

many voters might not know which district they are in because of the short time between the finalization of the redistricting plan and the filing deadline.

Kansas' four congressional districts also will be redrawn in 2002, but the regular unadjusted U.S. Census figures are used for congressional districts.

In many counties the boards of commissioners are considering redistricting, as well as other districts such as cities and school boards. They will use unadjusted federal census figures for their redistricting. In fact, it is against state law to use the adjusted figures for any purposes such as budgeting, local government planning, applications for grants, and other purposes. The adjusted figures are used only for redistricting of state legislative and state board of education districts.

## FEC makes third biennial NVRA report to Congress

On August 7, 2001, the Federal Election Commission released its third report to Congress on the status of the National Voter Registration Act of 1993. A provision in the NVRA requires the FEC to report every two years after the effective date of the NVRA, which was 1995. The first report was issued in 1997, the second in 1999, and this year's report is the third.

The NVRA also requires county election officers to report to the chief state election official, who in Kansas is the Secretary of State.

This reporting is done on the County NVRA Report, which each county submits quarterly to the Secretary of State. The chief state election official in turn is required to report to the FEC, who compiles the information and reports to Congress.

The reports are used by Congress to assess progress in implementing the NVRA among the states and to determine the effectiveness of the program in registering new voters, tracking registrants' addresses, and providing fail-safe voting proce-

dures. It is intended to provide information upon which to base legislation modifying and improving the NVRA, although to date no legislation has passed altering the NVRA's provisions.

Interesting facts from the FEC report include:

- There were 149,476,705 registered voters in the U.S. at the time of the 2000 election, which was 73.8% of the 205,815,000 voting age population. In Kansas, 1,505,714 were registered, which was 75.93% of the 1,983,000 voting age population.

see NVRA, p. 8

### *Check your voting equipment model numbers*

There has been a lot of talk since the 2000 election about voting equipment. Everyone has heard about punch card ballots and the potential problems they represent and how some states are adopting regulations and appropriating money to replace them. In Kansas those problems have been avoided because we have never used punch card systems.

Currently, only three voting systems are used: electronic voting (three counties), optical scan (81 counties) and hand-counted paper ballots (21 counties).

However, one point that should be noted in all the discussion of voting systems is *exactly* what type of equipment you have. Electronic voting systems may be pressure-sensitive or touch-screen and optical scan systems may be precinct-scan or central-scan. Each category of system has multiple manufacturers and

vendors with competing products.

Most important, all electronic and optical scan systems use computer technology to record and tally votes. It is critical to know the exact model number of the hardware and software you use. It is not even as simple as that, because voting systems might have firmware and software residing together on the system and working (hopefully) in tandem.

As everyone knows, anything operating on computer technology can change quickly and constantly through updates and revisions. Voting equipment is no exception. Before a county may use or purchase any voting system in Kansas, the system must be certified by the Secretary of State, who relies partly on Federal Election Commission standards and qualification testing overseen by the

National Association of State Election Directors in determining whether a particular system should be certified. When a system is certified, the certification is for a specific model number for the hardware and specific version/release numbers for the firmware and software.

County election officers should be certain of the systems in use in their counties, and if upgrades are offered, either free or for purchase, great care should be taken to keep track of the model and version numbers being offered.

Kansas law states that once a system is certified, any significant change must be reported to the Secretary of State for a decision whether the system must undergo certification testing again. Some minor software changes do not result in new release numbers, so recertification is not required.

For questions about what versions are currently certified in Kansas, call the Secretary of State's office.

## New laws require programming on voter file

There were a number of new laws passed by the 2001 Kansas Legislature regarding elections, as reported in the June 2001 issue of this newsletter. Some of the most significant changes deal with computer programming of the counties' and state voter registration databases.

The Secretary of State's office developed a plan for the programming changes and disseminated it to all counties with a stated goal of having the changes reflected in the October 2001 statewide central voter registration (CVR) file. The plan also was sent to all vendors with contracts with one or more counties for voter registration software, as well as the handful of counties that do their own in-house programming.

Here is a summary of the required changes:

**1. Last 4 digits of Social Security numbers.** Each applicant for voter registration is now required by law to supply the last four digits of the person's Social Security number for use as a unique identifier to help election officers track address changes and eliminate duplicates. Care must be taken to prevent any Social Security information from being disclosed to the public. Previously, the full Social Security number was requested, but not required.

Voter files must be programmed so the data field for the Social Security number is reduced from nine digits to four. Also, counties must be sure to include the Social Security data when they submit their quarterly voter file to the Secretary of State.

**2. Inactive voter designation.** According to the NVRA, voters who have been mailed a confirmation notice because they apparently

moved out of the county, but who have not responded to the mailing or voted or contacted the election office in any way, are considered inactive. Such voters must be designated with an "I" in a new one-digit field. The new field will occupy one of the spaces in the file format that was previously occupied by the Social Security number. These voters are still registered and may vote at any election in their precinct.

**3. Suspended voter designation.** Voters who have not voted in the past two consecutive national/state (even-numbered year) elections are considered suspended and must be designated with an "S" in a new one-digit field. The new field will occupy one of the spaces in the file format that was previously occupied by the Social Security number. These voters are still registered and may vote at any election in their precinct.

**4. Restricted address designation.** Under a new law, a registered voter may make an individual request to have his/her residence address concealed from public disclosure if they can specify an invasion of personal privacy or threat to their safety from having their address listed on public records. A new one-digit field must be added to everyone's voter file where a "Y" may be entered to indicate that the voter has made this request. The program would then not include the residence address information for that voter on any lists available to the public or on the poll book at the precinct on election day.

These are significant changes to the voter registry in Kansas, and they require more preparation and programming than most

### *Thornburgh sworn in as NASS president*

Kansas Secretary of State Ron Thornburgh was sworn in on July 16, 2001, as president of the National Association of Secretaries of State for the coming year. The oath was administered at NASS' summer conference, which was held this year in Little Rock, Arkansas.

Thornburgh has been an active member of NASS since taking office in January 1995. He has previously chaired the election committee for the organization. Thornburgh said, "I am honored to be selected by my colleagues across the nation to serve as their president, especially during this time of election reform in the post-2000 era. As the nation's chief election officials, the members of NASS have an obligation to make sure voters in all states have confidence in the electoral system. I look forward to a productive year with an aggressive agenda and the opportunity to represent Kansas."

Thornburgh will serve as NASS president until the 2002 summer conference, when a new president will assume the position.

legislative initiatives passed in recent years. Some of the changes benefit the voting public, some benefit election officers, and some benefit candidates and other users of voter registration data.



## NVRA

Continued from p. 6

- Nationwide, of the 45,654,673 total registrations processed since 1998, 38% came from motor vehicle offices, 31% from mail registration, 7.5% from public assistance agency registration, and the remaining quarter from other sources. In Kansas, 472,083 applications were processed, yielding 239,836 new registrations. Of the total applications, 40% came from motor vehicle offices, 29% from mail registration, 2% from agency registration sites, and 29% from other sources.

- Nationwide, 7.72% of the registrations since 1998 were duplicates, and 43% of the total transactions were changes of name and address. In Kansas, nearly 12% of registrations were duplicates.

- A total of 13,014,912 names were deleted from the nationwide registration rolls since 1998 as a result of list maintenance procedures. In Kansas, 124,178 names were deleted.

- A total of 18,892,331 confirmation notices were mailed nationwide to update registrants' addresses, and 4,353,892, or 23%, were returned. In Kansas, 196,040 confirmation notices were mailed

and 78,131 were returned, which was nearly 40%.

Part of the FEC's biennial report is a list of the recommendations to Congress and the states on how to improve election administration as it relates to the NVRA. This year's report reiterated three recommendations that had been made in the 1997 and 1999 reports, and it added four new recommendations.

### **1997 and 1999 Recommendations Repeated in 2001:**

1. States should require registered voters to provide all or part of their Social Security numbers for use in identifying and tracking registrants. Note: Kansas passed legislation in 2001 to require the last four digits of registrants' Social Security numbers.

2. States should develop computerized statewide voter registration databases and link counties, state agencies, and NVRA registration sites together to ease data transmission. Note: Kansas has had a statewide voter file since 1994, but it is not interactive or automated, and registration sites are not connected. This is among future plans for the voter file.

3. The U.S. Postal Service should create a separate class of "official

election mail" and provide the most favorable rates possible.

### **Four New Recommendations:**

These new recommendations arose largely from the experience in the 2000 presidential election.

1. States should establish ongoing training for NVRA registration offices regarding their responsibilities under the NVRA.

2. Motor vehicle and public assistance agencies should electronically transmit voter registration data to local election offices, followed by documentation in the mail.

3. States should ensure voters' right to cast provisional ballots in conformity with NVRA fail-safe voting procedures.

4. States should require local election officers to mail a forwardable notice to any voter whose name has been removed from the registration list, unless previous mail pieces to the voter have been returned as undeliverable. The notice would be intended to notify the voter of their removal from the registry.

Copies of the printed report are available from the FEC, and the summary tables and recommendations to Congress are found at the FEC's Web site at [www.fec.gov](http://www.fec.gov).

## Reform

Continued from p. 1

The National Association of Secretaries of State adopted a series of recommendations in July 2001, including support of federal grant funding for election reform, maintaining control of elections at the state and local level with limited federal control, and a favorable postal mail rate for official election mail.

### **"NASED Federal Election Recommendations"**

The National Association of State Election Directors issued its recommendations on August 15, 2001. The recommendations represented a consensus reached by the election

directors in the 50 states and the territories on how federal reform legislation should be crafted. The recommendations include a limited role of the federal government in conducting elections, a flexible federal grant program to allow states and localities to use funds to improve elections as they see fit, and uniform voting equipment standards voluntarily adhered to by all states.

There are many other studies being conducted by various research groups. The ones listed above are some of the most prominent. Several themes recur in many of the reports: federal funding is needed to fix the problems and improve the

electoral process, the federal government's control over elections should remain limited, and states should be allowed to conduct elections in a manner they see fit with only broad federal guidelines.

It is impossible at this juncture to predict what type of federal reform legislation, if any, will pass Congress. What is known is that there is no shortage of information to rely upon in writing legislation, with all the reports being issued by the many study commissions. The Kansas Secretary of State's office will continue to monitor federal legislation and reform efforts and report significant developments to county election officers.